Marcoses lose US appeal
Contempt case involves $354-M award to human rights victims

Philippine Daily Inquirer / 12:19 AM October 29, 2012
https://globalnation.inquirer.net/54454/marcoses-lose-us-appeal

Victims of human rights violations during the Marcos dictatorship have scored a victory in their long quest to get compensation from the Marcos estate.

A US Court of Appeals for the Ninth Circuit upheld on Oct. 24 a contempt judgment against Sen. Ferdinand "Bongbong" R. Marcos Jr., his mother Imelda and the estate of Ferdinand E. Marcos for violating an injunction that barred them from dissipating assets of the estate.

The judgment amounting to $353.6 million is believed to be the largest contempt award ever affirmed by an appellate court.

The judgment may be implemented against any US property owned by Imelda and Bongbong. However, the human rights victims need to ask the Philippine government for implementation of the judgment against the Marcoses' personal property in the Philippines.

A Philippine law requires that all ill-gotten wealth recovered from the Marcoses should be spent on the government's land reform program.

Robert Swift, lead counsel for the 10,000 Filipino human rights victims who obtained a judgment against the late dictator and his estate in 1995, said he was satisfied with the new judgment.

"The Marcoses have thumbed their noses at the United States court and Filipino human rights victims ever since the $2-billion judgment was entered in 1995," Swift said in a statement.

Dynasty

The American lawyer said the Marcoses were caught trying to dissipate the estate's assets to recapitalize the family's political dynasty in the Philippines.

Bongbong began serving his six-year term as senator in 2010. Imelda is a representative of Ilocos Norte in Congress, while daughter Imee is the governor of the province. Both mother and daughter are running for reelection in midterm elections in May 2013.

Swift said the new judgment was against Imelda and her son personally for their misconduct.

"It broadens the possibilities for collection of money to the human rights victims. The victims can be assured they we will vigorously and aggressively seek to collect this sum," the lawyer said.

Commission on Human Rights (CHR) Chairperson Loretta Ann P. Rosales said Sunday night that the US court victory against the Marcoses was “payback” for the “shameless arrogance” of Bongbong and his mother, who have not apologized for the looting and the killings during the Marcos regime.

“If we can’t get their apology, at least we will force them to pay more and refresh the minds of a new generation of Filipinos on the atrocities committed by the family for close to two decades,” Rosales said in a phone interview.

“They (Bongbong and Imelda) are the face of their families and the Filipinos should continue to demand payment for the sins of their family.”

She said the $353.6 million awarded by the US court would be on top of the close to $2 billion awarded to martial law victims in 1995.

Barred in US

Rosales said she was told by lawyers that the contempt award meant that the Marcoses would not be allowed to set foot on any US territory.

“The contempt ruling means that the US courts are taking seriously the disrespect shown by the Marcoses. More than the heavy fines, this is a big embarrassment to the family who has shown no remorse for the deeds they made,” the CHR said.

Rosales said that the contempt charge was a “long shot” and that the US courts sided with the victims was a “pleasant surprise.”

“The senator’s refusal to apologize and own up to the sins of his father only shows the continuing arrogance of his family,” said Rosales, herself a victim of human rights violations during the Marcos regime.

The litigation against Marcos began in 1986 shortly after the dictator and his family fled to Hawaii following the people power revolution.

After Marcos died, Imelda fought the litigation. Following a historic trial, a Hawaiian jury awarded 9,539 Filipino human rights victims almost $2 billion.

The judgment was affirmed on appeal. While the jury was deliberating, the Marcoses entered into a secret deal with the Philippine government to make the Marcos estate judgment-proof.

When Swift learned of this, the human rights victims sought a contempt award against Imelda and her son, and the Marcos estate’s legal representatives, for violating the injunction that barred them from dissipating the estate’s assets.

Imelda and Bongbong were found to have agreed to the transfer from the United States to the Philippines artworks considered part of the estate, and to split the estate with the Philippine government, retaining 25 percent tax-free as their share.

After five hearings during which documents showing the Marcoses' efforts to dissipate the assets were introduced, the court found the Marcoses in contempt and ordered them to pay the victims until they purged their contempt.

The Hawaii Court of First Instance imposed a daily fine of $100,000 from Feb. 3, 1995, to Feb. 3, 2005, when the contempt order expired, leaving a total fine of $353,600,000.

The appellate court last week wrote that the "$100,000 per day amount was necessary and appropriate because the Marcoses' contumacious conduct" caused direct harm to the victims, by preventing them from collecting on their $2-billion judgment. With a report from Gil Cabacungan

Read more: https://globalnation.inquirer.net/54454/marcoses-lose-us-appeal#ixzz79oMn3100
Follow us: @inquirerdotnet on Twitter | inquirerdotnet on Facebook